



Port of Port Angeles Boat Haven

NOTICE OF INTENT TO OBTAIN CUSTODY Powerboat “*Que Pasa*” with Washington Registration WN 1637 MG

The Port of Port Angeles (Port), acting as an authorized public entity with the authority granted in chapter 79.100 RCW, intends to take custody of the vessel “*Que Pasa*, HIN# 68W2813, WN 1637 MG” moored at the Port of Port Angeles Boat Haven, Slip R 30, on **October 26, 2009**. The vessel has been declared derelict/abandoned as it meets the definition of a derelict/abandoned vessel as described in RCW 79.100.010(1) & (5). Once custody is obtained, the Port is authorized to use or dispose of it in any appropriate and environmentally sound manner without payment to or further notice to the owner, believed to be Ean James Borkenhagen.

In order for the owner to retain custody of the vessel, prior to October 26, 2009, the owner must pay all accrued moorage fees and obtain authorization, in compliance with all Port rules and regulations, to moor the vessel in its current location, move it to another anchorage area or moorage facility that has authorized the vessel, or remove the vessel from the water.

If custody is obtained, the costs the owner may be liable for include, but are not limited to, accrued moorage, costs incurred by the Port exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel.

If the owner wishes to redeem the vessel once the Port of Port Angeles has taken custody, the owner must commence a lawsuit to contest the Port’s decision to take custody of the vessel, or the amount of reimbursement owed, in the Clallam County Superior Court. The lawsuit must be commenced within twenty days of losing custody or the owner’s right to a hearing is waived and the owner will be liable for any costs owed to the Port of Port Angeles. In the event of litigation, the prevailing party is entitled to reasonable attorneys’ fees and costs. Also, the owner may be guilty of a misdemeanor for allowing a vessel to become abandoned or derelict on aquatic lands per RCW 79.100.110.

The Port of Port Angeles reserves the right to pursue any other remedies available under law.

For more information regarding this action, contact:

Port of Port Angeles Boat Haven
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Port Angeles, WA 98363
(360) 457-4505